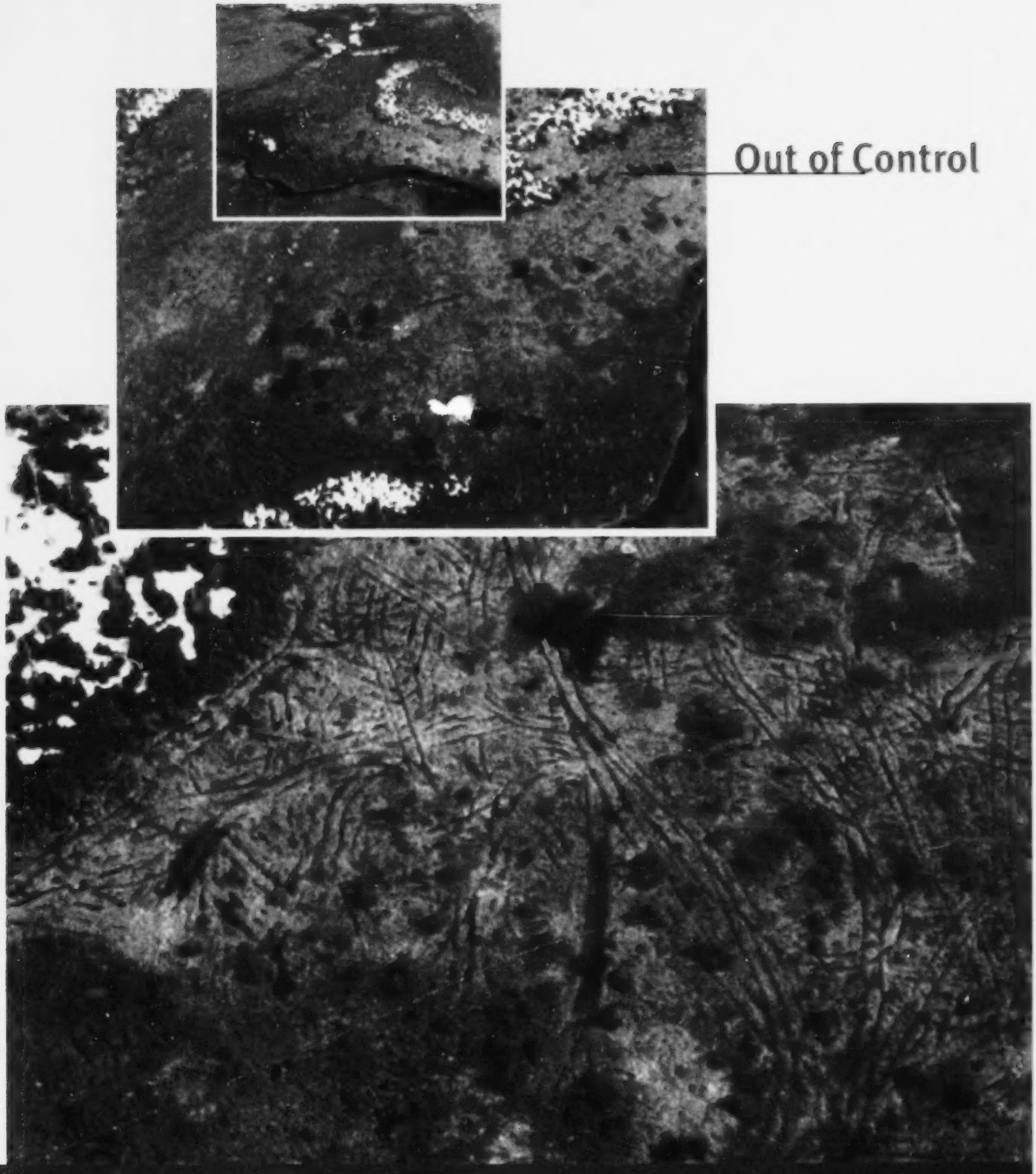

Out of Control

Interim report of the
Voluntary Planning Off-highway Vehicle Task Force
February 2004

VOLUNTARY
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A Citizens' Policy Forum

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Response Requested

This is the interim report of the Voluntary Planning Task Force on Off-highway Vehicles. If you want to contribute to the making of the final report, we ask that you respond to the questions contained in the Conclusion on page 37. The Task Force will review all comments received by March 15, 2004. We'll then change the interim report, as necessary, and submit our final report to the provincial government when completed.

Executive Summary

Off-highway vehicles (OHV) have become a problem in Nova Scotia. A complicated problem. So the Province of Nova Scotia asked for our help to develop public policy that makes the most sense for Nova Scotians. We are the 11 members of the Voluntary Planning Off-highway Vehicle Task Force, and we are pleased to submit this interim report.

Our method at Voluntary Planning is similar whatever issue we are tackling. We search out the issues. We research what has happened so far and what is happening in other places. We seek out the views of government and the view of each interest group that emerges. We seek the views of private citizens who have an interest in the issue. We then take all that we have heard and try to find solutions that will work in the best interests of all our citizens. We have done all of these things to come up with the 48 recommendations we make about OHVs.

OHVs are mainly all terrain vehicles (ATVs) and snowmobiles, but also include motorcycles (dirt bikes), Argos, and other motorized vehicles operating off-highway.

We recognize that a majority of OHV operators are respectful of the law and of the rights of others. We also recognize that for our recommendations to be successful, we need the support, help, and active cooperation of the responsible OHV operators and their associations. We do not wish to offend. But we do have to report what is happening in our province. And we do have to balance the rights of OHV users with rights of other Nova Scotians, present and future.

Off-highway vehicle use in Nova Scotia is, frankly, out of control. While we were prepared to hear negative comments about OHVs, we were shocked to learn about the degree to which irresponsible users disrespect the law, impact the environment, injure themselves, trespass on private property, and intimidate other trail users.

This report focuses on the recreational use of off-highway vehicles. We recognize the important industrial uses and recognize that some special allowances may be needed for such cases as farm use. The plan outlined below focuses on the recreational use of OHVs.

Since last fall we have studied this issue intensively. We met with 32 stakeholder groups and held 24 community meetings. Over 1400 people attended the community meetings, and we received 714 written submissions. We heard from those who love the sport and those who hate it.

Consensus emerged on the following areas: more effective enforcement and more self-policing through clubs and associations; no operators below the age of 16; a stop to the bullying tactics of a minority of lawbreakers; a network of managed designated trails; a halt to further environmental damage; additional protection for Wilderness Protected Areas; much more emphasis on safety, training, and operator proficiency; effective private property protection; and more education about all aspects of OHV use.

Our plan to solve the problems around OHV use comes from what we heard from Nova Scotians.

Our Plan

Our 48 recommendations are grouped around five themes that will, in our opinion, reduce the incidence of death and injury. They will also reduce future conflicts by emphasizing the power that education has to affect positive change in attitudes and behaviours.

Adopting a Motor Vehicle Model for OHVs

We believe that OHVs should be treated more like automobiles. Our first 17 recommendations describe how to do that.

We recommend that all OHVs be registered and properly identified through the use of larger licence plates on the front and rear of each vehicle. We recommend a significant registration fee increase, most of which will go to developing the sport.

Adopting a motor vehicle model means implementing a mandatory operators' licensing regime. We recommend that in future all fully licensed operators of OHVs must be 16 years of age and older. In preparation for the introduction of this licensing system, we recommend that an operators' handbook be developed for the major categories of off-highway vehicles. And that a test, based on this handbook, be developed. We also recommend that training become a mandatory requirement over time.

We recommend the creation of a Youth Class Learner's Licence to accommodate those 14 and 15 years of age wanting to operate an OHV, but only if several conditions are met.

And we further recommend introducing mandatory third party liability insurance.

Creating an Infrastructure Trust Fund

We believe that the recreational use of off-highway vehicles should be based on the principle of user pay. To this end, we recommend the creation of an Infrastructure Trust Fund led by private sector representatives and not-for-profit organizations. The Trust Fund would finance the development of a managed trail network, support training and education, support self-policing efforts, contribute to association building, conduct environmental projects, and increase environmental awareness. We make six recommendations on how this fund should be created and managed, including that the trust fund administrators be put in charge of seeing that the recommendations accepted by government are implemented. Some central body needs to oversee the sport, which involves so many departments and jurisdictions.

Land Use

We believe that a large part of the problem we face today exists because there are not enough legitimate places for OHV enthusiasts to enjoy their sport. We make 17 recommendations aimed at creating spaces for OHV use and keeping OHVs off land that needs protection.

To aid trail development, we recommend that the Nova Scotia Sport and Recreation Commission be charged as the lead agency in the development of an approved network of designated trails and park areas on public and private land.

On Crown (public) land we recommend that trails and park areas incorporate several types of property, including general forestland and abandoned railway lines. To be clear, we are not recommending a blanket open access policy on these lands. Rather, that they may be used to form the designated trail and park area network with specific conditions.

We want to enable landowners to prevent trespass, limit their exposure to liability, and reduce the incidence of disturbing events. We make specific recommendations on written permission, on the assumption of risk by the OHV operators, and on disturbing a property owner.

We believe strongly that our Wilderness Protected Areas should be truly protected. We recommend measures that will completely prohibit the recreational use of OHVs in these areas over a relatively short period of time.

Off-highway Vehicle Standards

We agreed with those who object to unnecessarily noisy OHVs. We also agree with those who complain about aggressive-tread tires doing unnecessary damage and those who can't imagine why there are not some national standards in place to guide the manufacturers of these vehicles.

We recommend fines for defective mufflers and suggest that Nova Scotia establish a maximum tire tread depth. We also recommend action the province could take at the national level to begin the process of establishing much-needed standards.

The Enforcement Challenge

No one issue resonated more with us than the low level of policing effort by the enforcement agencies we rely on to maintain order in our communities. Simply put, OHV enforcement does not rank as a priority among the RCMP, DNR, or local police authorities. We make five recommendations to improve the situation.

In brief, we recommend that a permanent Integrated Enforcement Task Force be created and appropriately funded. To give this agency the needed tools, we recommend that OHV legislation be amended to provide for an increased ability to seize an off-highway vehicle, to allow for the application of demerit points to a person's automobile licence, and to significantly increase the penalties for many infractions.

We also recommend measures that support the expansion of the Trail Warden and Citizens on Patrol Off Road programs, which would encourage the OHV community to become more involved in self-policing.

List of recommendations

Adopting a Motor Vehicle Model (see page 12)

Vehicle Registration (see page 12)

1. Establish a mandatory registration program for all off-highway vehicles owned in Nova Scotia (no exceptions), for the 2005 registration year. The registration fee should be set at $50 per vehicle per year, with registration issued only to persons 16 years of age and over. Of the $50 registration fee, $40 will be held in trust while $10 will be retained by the provincial government to cover the administration costs of the registry.

2. Administer the registration system at the point of sale for new or used vehicles purchased at an authorized dealer and, within 30 days, at the Registry of Motor Vehicles (Registry) for private transactions.

3. Establish a Vehicle Identification Number (VIN) system for OHVs through the Registry when the new registration system is introduced, to allow for the identification of stolen vehicles.

4. Enlarge the new 2005 licence plates, change the OHV plate colour, and require each vehicle to display one plate at the front and one at the rear.

5. Seize any OHV operated without proper registration in Nova Scotia starting in 2005. Fine the operator of the vehicle $500, impound the OHV until it is registered by the owner, and sell at public auction vehicles not registered within 30 days of seizure.

6. Consider instituting an amnesty program for the owners of currently unregistered machines who cannot produce satisfactory documentation, as an incentive for the timely registration of all OHVs. Under the amnesty, a single HST payment would be collected from the current owner only based on current value of the vehicle.

Operator Licensing (see page 13)

7. Publish, by 2004, an Off-highway Vehicle Operator Handbook that covers the following: a) the safe and responsible operation of the OHV types; b) the general OHV regulations; c) the laws protecting private land owners and the rules for access to public lands; d) the code of conduct on trails; e) a list of environmental regulations; and f) the compendium of possible infractions and related fines.

8. Develop, by 2005, a written test based on the operator handbook and establish, in partnership with one or more accredited bodies, a practical skills testing program, with a view to introducing a mandatory OHV operator licensing program by the 2006 vehicle registration year.

9. Require, by 2006, that OHV operators must be persons 16 years of age or over with an automobile licence validated for OHV use. Make provision for an OHV licence for those wanting to operate an OHV but who don't have an automobile licence.

Should children operate OHVs? (see page 15)

10. Prohibit children under the age of 14 from operating OHVs.

11. Allow youth 14 and 15 years of age to operate OHVs only if they acquire, and carry with them, a Youth Class Learner's Licence (to be created), and ONLY if ALL the following conditions are met:
    - An appropriate OHV safety course is taken and successfully completed by both the youth and his or her parent or guardian
    - Mandatory direct supervision by (in the company and within sight of) the parent or guardian at all times while operating the OHV.

12. Fine the registered owner of the OHV $500 and apply 6 demerit points against the registered owner's driver's licence when a person less than 14 years of age operates an off-highway vehicle. For second offences, seize the vehicle and sell it at public auction.

Safety and Training (see page 16)

13. Starting in 2005, require OHV operators aged 14 and 15 years and all first-time operators to successfully complete the appropriate and accredited OHV training course.

14. Starting in 2007, exempt OHV operators from this mandatory accredited training course if they can demonstrate that they were the owner of a registered OHV in 2005 and 2006. This exemption does not apply to parents or guardians of a youth operator.

15. Starting in 2008, require all OHV operators applying for a first time Operator's Licence to successfully complete the appropriate and accredited OHV training course.

16. Include the following in the appropriate and accredited training course content: a) the safe and responsible operation of the OHV types b) the general OHV regulations c) the laws protecting private land owners and the rules for access to public lands d) the code of conduct on trails e) a list of environmental regulations f) the compendium of possible infractions and related fines.

Third party liability insurance (see page 17)

17. Introduce the requirement for mandatory third party liability insurance by 2007. In the interim period, conduct a thorough review of the various options and their costs.

Creating an OHV Infrastructure Trust Fund (see page 19)

18. Establish an OHV Infrastructure Trust Fund mandated to finance projects related to OHV trail system development, core funding of OHV user associations, operator health and safety, operator training, enforcement (self-policing), and environmental education and demonstration projects.

19. Provide a one-time operating grant of $500,000 in 2004 to ensure the trust fund is established and becomes functional on the earliest possible time line.

20. Appoint an independent chairperson from the private sector to manage the trust fund and have decision-making power over the fund. Appoint an executive committee, of not more than 10 individuals, to support the chairperson. The committee should contain persons from stakeholder organizations and ex-officio (and non-voting) officials from the lead government departments. Stakeholder organizations will include umbrella associations representing OHV enthusiasts, the medical/safety profession, the environmental sector, landowners, and the enforcement community.

21. Direct the executive committee for the trust fund to work with the Nova Scotia Trails Federation to develop and publish the blueprint of a comprehensive trail network for Nova Scotia, after it has ensured that extensive and inclusive consultations and negotiations have been conducted in all regions of the province.

22. Mandate the OHV Infrastructure Trust Fund to issue an annual report.

23. Further mandate the Trust Fund Executive Committee to oversee the implementation of the government's work program stemming from this report, to advise on policy as required based on experience, to facilitate conflict resolution, and to finalize the development of a comprehensive OHV strategy for the province that fully reflects developments in the field.

Land Use (see page 22)

Designated Trails and Park Areas (see page 22)

24. Develop a network of designated trails and park areas, on public and private lands with permission, for the recreational use of off-highway vehicles. Limit off-highway vehicle activity on public land to this network.

25. Officially designate the Nova Scotia Sport and Recreation Commission as lead agency charged with developing the designated network of trails and park areas.

26. Include, on public land, culverted gravel woods roads and culverted gravel K-Class roads as potential components of a designated network of trails and park areas with conditions (such as not used during spring thaw, not used during periods of forest fire hazard).

27. Include abandoned railway lines as a potential component of a designated network of trails and park areas for off-highway vehicles under the following conditions:
    a) In general, permit off-highway vehicle access in rural areas, but consider proximity to residences.
    b) In residential areas defer the decision to allow off-highway vehicle access to the municipal government.
    c) Charge municipal governments with the responsibility of establishing over-riding rules of order and enforcing these bylaws on all abandoned railway sections in residential areas.
    d) Require the appropriate municipal governments to immediately review the right of access for OHVs to sections of abandoned railway line exhibiting questionable ability to maintain order. Review particularly those sections of abandoned railway line West of Halifax through to Martins River, Lunenburg County.
    e) Where access for off-highway vehicles on existing abandoned railway lines cannot be accommodated, make every effort to develop an alternative trail around the prohibited area.

28. Include highway rights-of-way ditches as a potential component of a network of trails and park areas. In future all ditches incorporated in the designated network of trails will be brought up to appropriate safety and environmental standards.

29. Reinforce the prohibition on all public roads for off-highway vehicles except for the following when incorporated as part of a designated trail or park area on terms and conditions acceptable to the Department of Transportation and Public Works: a) to cross a public road at planned and well signed locations b) to travel on the shoulder for short distances with appropriate signage.

Trail Management (see page 25)

30. Support OHV umbrella organizations by taking the necessary legislative steps that empower them to a) implement a mandatory trail pass system b) prevent unauthorized off-highway vehicle access to their trail network c) make third party liability insurance mandatory for users of their trail network.

Landowner Protection (see page 27)

31. Amend the Off-highway Vehicles Act to say that operators must acquire written permission from landowners.

32. Amend the Off-highway Vehicles Act to say that off-highway vehicle operators and passengers (whether permission to access a property is granted or not) willingly assume all risks and liabilities, except those that arise through the deliberate intent of the occupier of a property.

33. Amend the Off-highway Vehicles Act to say that operators of off-highway vehicles do not acquire prescriptive rights of access against any landowner solely through the use of an OHV.

34. Amend the Off-highway Vehicles Act to say that anyone who disturbs an occupier of a premises by the unreasonable operation of an off-highway vehicle for recreational purposes on or in the vicinity of the premises is guilty of an offence.

35. Amend Clause 15 of the Protection of Property Act to make it clear that this provision does not affect the requirement that any person operating an OHV must obtain the written permission of the landowner under the OHV Act.

Wilderness Protected Areas (see page 29)

36. Establish a policy that completely prohibits recreational off-highway vehicle use in our Wilderness Protected Areas.

37. Phase out, within 3 years, OHV trails now crossing Wilderness Protected Areas and all other OHV access granted under Ministerial Discretion by establishing alternate trails.

Other Ecologically Sensitive Areas (see page 30)

38. Amend the Off-highway Vehicles Act to say that all off-highway vehicles are prohibited from the following sensitive ecosystems, unless otherwise specifically provided for within the designated trail network:
    a. barrens – coastal and plateau
    b. beaches (marine and fresh water) and dunes
    c. bogs and marshes
    d. brooks, streams, and rivers

39. Amend the Off-highway Vehicles Act to make it clear that in marine environments the prohibition is extended to include below and above the ordinary mean high water mark.

Rallies (see page 31)

40. Establish a mandatory permit requirement for rallies involving more than 50 off-highway vehicles. The permit system should be managed by umbrella organizations such as SANS or ATVANS. The approval process will ensure that all necessary permissions have been received from affected landowners, that the event organizers have taken all necessary precautions to protect the environment, and that local enforcement authorities have been notified.

Off-highway Vehicle Standards (see page 33)

Noise (see page 33)

41. Make it an offence under an amended Off-highway Vehicles Act to operate an off-highway vehicle with a defective or modified muffler.

Tires (see page 33)

42. Amend the Off-highway Vehicles Act to prohibit aggressive-tread tires on Nova Scotia's designated network of trails and park areas unless the trail or park area is intended (and designed) to accommodate this use.

National Standards (see page 34)

43. Engage other provinces and the federal government to establish a federal provincial process to develop national off-highway vehicle standards on the following:
    a. mufflers and noise
    b. advertising and the manufacturers' responsibilities
    c. engine design for fuel efficiency and pollution
    d. power, speed, weight and size
    e. tire tread depth
    f. positioning of licence plates and accommodation for larger plates
    g. electronic tracking
    h. common locations for vehicle identification numbers

The Enforcement Challenge (see page 35)

44. Establish a permanent Integrated Enforcement Task Force of at least 12 people (recruited from within the Nova Scotia RCMP detachments, the Department of Natural Resources, and local police forces) exclusively dedicated to the enforcement of OHV laws and regulations and provide the unit with appropriate funding.

45. Mandate the Integrated Enforcement Task Force to a) conduct enforcement blitzes at problem spots across the province, engaging regional and local enforcement personnel (as well as the self-policing community); b) systematically broadcast in print and electronic media the results of enforcement operations (arrests, fines, seizures, etc.); and c) conduct educational outreach and community relations programs within the OHV community in all parts of the province, to promote safe and responsible recreational use of OHVs.

46. Amend legislation to a) extend to the court appearance date the time during which an OHV can be impounded; b) increase the range of offences where sanctions can include seizure and public auction sale of an OHV, to include particularly: failure to stop for enforcement officials, operating an unregistered vehicle, operating under the influence of alcohol/drugs, using an OHV to assist in committing a criminal offence, damaging or removing signage, operating in a park or other protected area; c) allow the application of driver's licence demerit points for serious OHV offences; and d) allow the application of demerit points on a registered owner's driver's licence in situations involving a child/youth in violation of OHV laws and regulations.

47. Amend legislation to significantly increase the amount of fines currently in place and to provide for a further increase for a second offence, with automatic vehicle seizure and public auction disposal for third offences.

48. Institute a special program to support self-policing in all regions of the province under the leadership of the Integrated Enforcement Task Force and the Nova Scotia Trails Federation, with project funding being provided by the OHV Infrastructure Trust Fund; special projects to include and not be limited to expanding Trail Warden Programs, the Citizens On Patrol Off Road Program, and to the training of a cadre of trail wardens from within the OHV community to special constable status.

Introduction

In March 2003, the Province of Nova Scotia asked Voluntary Planning (VP) to help develop public policy on the complex issues related to OHV use in Nova Scotia. The Task Force was asked to bring forward recommendations concerning all aspects of OHV use by the spring of 2004.

Voluntary Planning is a citizens' policy forum that operates arm's length to the provincial government. The organization's mandate is to engage non-governmental volunteers and citizens in policy discussions important to the future of Nova Scotia.

To carry out this comprehensive review, the Voluntary Planning Off-highway Vehicle Task Force was created and its membership selected to represent the relevant subject areas and geographic regions of the province.

We, the 11 members of the Voluntary Planning Off Highway Vehicle Task Force, are pleased to submit this interim report. We ask for your considered views and comments by March 15, 2004. This will be the final round of public input on our report. We will then submit final recommendations to the government on a much-needed renewed regulatory and development framework for the recreational use of OHVs. Our recommendations will cover a broad range of issues, including

- registration of vehicles
- conditions of OHV operation, including age limitations and safety
- infrastructure development (trails, education, association building, etc.) through a permanent Trust Fund
- effective enforcement of regulations
- a new penalty regime to more effectively deter illegal and dangerous behavior
- protection of the environment and of private property
- rules of OHV access to public and private lands
- a number of important related issues

This framework will lead to the development of an overall OHV use strategy for Nova Scotia that reduces conflicts in our society, increases the enjoyment of recreational use by responsible operators, and discourages irresponsible and illegal behaviour.

This comprehensive blueprint will take some time to implement in full, but there is an urgent need to take decisive action before the situation, which in our view is now out of control, becomes uncontrollable.

Consultations to date

Since last fall, we have been engaged in an intensive learning and consultation process about the recreational use of off-highway vehicles. OHVs are mainly ATVs and snowmobiles, but include motorcycles (dirt bikes), Argos, and other motorized vehicles operating off-highway.

By all accounts this can be classified as a major consultation process. For Voluntary Planning, it represents one of the most comprehensive consultations in recent memory.

We first studied reports from other jurisdictions, notably the Province of New Brunswick and the State of Maine. We also studied briefing material from several provincial government departments that deal with OHVs as part of their mandate. An Interdepartmental Resource Team of officials has been constituted to provide us with the government information we require.

We then issued a discussion paper on issues and problems related to the recreational uses of OHVs. We also developed a citizen input form to obtain structured comments from the public at large and created a website to assist in the public feedback process. With the help of these tools, we conducted two major consultation exercises.

First, we met with 32 "stakeholder groups" – groups with a specific or specialized interest in OHV issues – to share their assessment of the challenges and opportunities and to learn about their vision of the future for recreational OHV use. All made presentations and tabled formal submissions to the Task Force. In addition to the major OHV user associations, these groups included environmentalists, trail users, health and safety interests, enforcement agencies, conservationists, the manufacturers' association, and the insurance industry.

We then held 24 community meetings to obtain first hand the views of people from all the regions of the province. Over 1400 people attended these public meetings, and 327 of these people took advantage of the opportunity to address the Task Force.

Responses by individual Nova Scotians to the questions in the citizen input form, distributed at the community meetings and through the Internet, were also a very important source of input. We received 714 submissions, which is a very good response rate. This indicates the high level of interest in OHV issues from all quarters of our society.

What we heard

While the views expressed by the respondents represented a wide spectrum of opinions – ranging from ringing endorsement of the sport to its outright banning – a strong consensus emerged on a number of subjects.

A majority of respondents called for

- more effective enforcement, stiffer penalties, and more self-policing through clubs and associations
- a stop to the recklessness and intimidation tactics of a minority of lawbreakers
- to provide OHV enthusiasts with places to go while ensuring the protection of sensitive habitats
- no operators below the age of 16
- much more emphasis on safety training and operator proficiency
- private property protection and effective means of dealing with trespassers
- more education about safety, existing access rules, environmental impact of machines, and so forth
- more stringent machine specifications to reduce noise, pollution, and damage

Our response

We have assessed the issues Nova Scotia is facing in relation to recreational OHV use, based on a collective and individual analysis of all the above-described inputs. The recommendations that follow, when taken together, represent what should be the major components of the Nova Scotia strategy for the recreational use of OHVs. In presenting our findings on each grouping of issues, we highlight what we have heard and present our analysis, conclusions, and the rationale for our recommendations.

Adopting a Motor Vehicle Model

The following question came up time and again in our community meetings: "Why aren't off-highway vehicles treated like cars?"

In addressing this question we looked at the following points of comparison between automobiles and OHVs:

- vehicle registration
- operator licensing
- age limits for operators
- operator safety and training
- third party liability insurance

Vehicle Registration

Issues raised by Nova Scotians

A majority of stakeholders strongly recommended registration of all OHVs, without exception, even for vehicles used only on private property. The enforcement community views mandatory registration as the key to effective enforcement. For the police, all vehicles must be legally identifiable. Most other groups see registration as a necessary first step towards gaining control of the situation.

Of the 714 written submissions we received, 58 per cent identified the lack of universal registration as a problem, and 40 per cent of these 418 respondents said that registration should be done at the point of sale.

Task Force analysis and conclusions

On the basic question as to whether OHVs should be treated more like automobiles, our answer is a definite yes. We have found the following facts to be compelling reasons to stop treating OHVs like toys and to treat them as what they are, motorized vehicles:

- The newer units are as powerful as heavy motorcycles.
- Collisions as severe as motor vehicle highway collisions regularly involve OHVs.
- OHV operation can be a threat to the life and limbs of the operator, other riders, and innocent bystanders, in the same way that a car or a truck can be.
- Drinking and driving while operating an OHV is extremely dangerous and the cause of many deaths and injuries.

Regarding mandatory registration, all automobiles have a visible licence plate that can be identified at a distance by a police officer. This feature enhances compliance and promotes respect of law and order. Making sure all OHVs are registered and properly identified must be an immediate priority.

Each vehicle also has a vehicle identification number (VIN) from which authorities could generate a list of stolen machines as a reference to protect buyers. This system does not exist for OHVs, but we believe it should.

We are not saying that OHVs should be treated exactly the same as automobiles. There are significant differences in vehicle design and conditions of operation that justify differences. However, we feel strongly that there should be a similar administrative and regulatory treatment between the two by the public control mechanisms already in place, namely the Registry of Motor Vehicles and police authorities.

Recommendations

The Task Force recommends the following:

Vehicle Registration

1 Establish a mandatory registration program for all off-highway vehicles owned in Nova Scotia (no exceptions), for the 2005 registration year. The registration fee should be set at $50 per vehicle per year, with registration issued only to persons 16 years of age and over. Of the $50 registration fee, $40 will be held in trust while $10 will be retained by the provincial government to cover the administration costs of the registry.

2 Administer the registration system at the point of sale for new or used vehicles purchased at an authorized dealer and, within 30 days, at the Registry of Motor Vehicles (Registry) for private transactions.

3 Establish a vehicle identification number (VIN) system for OHVs through the Registry when the new registration system is introduced, to allow for the identification of stolen vehicles.

4 Enlarge the new 2005 licence plates, change the OHV plate colour, and require each vehicle to display one plate at the front and one at the rear.

5 Seize any OHV operated without proper registration in Nova Scotia starting in 2005. Fine the operator of the vehicle $500, impound the OHV until it is registered by the owner, and sell at public auction vehicles not registered within 30 days of seizure.

6 Consider instituting an amnesty program for the owners of currently unregistered machines who cannot produce satisfactory documentation, as an incentive for the timely registration of all OHVs. Under the amnesty, a single HST payment would be collected from the current owner only based on current value of the vehicle.

Operator Licensing

Issues raised by Nova Scotians

Throughout our deliberations, the task force received input at community meetings and from written submissions regarding the issue of licensing operators of OHVs. Because of the advancement of these machines, the concept of treating them more like motor vehicles was often expressed. Of the 714 written submissions we received, 30 per cent felt that a mandatory operator's licence would help.

Task Force analysis and conclusions

It takes skill and knowledge to operate an OHV safely. For this reason the task force believes that, over time, an OHV operator's licensing system must be established in Nova Scotia.

As an analogy, it is accepted that before an automobile driver's licence can be obtained, the applicant must pass written and practical tests that demonstrate knowledge and safe responsible driving. We believe that a similar system should be implemented for OHV operators. This should be done as soon as support systems for testing and licensing can be put in place within the Registry of Motor Vehicles and an adequate accredited training capacity can be developed.

To obtain an OHV operator's licence, the applicant would need to successfully pass both a practical and knowledge-based test that includes the following:

a) the safe and responsible operation of the OHV types
b) the general OHV regulations
c) laws protecting private land owners and the rules for access to public lands
d) the code of conduct on trails
e) a list of environmental regulations
f) the compendium of possible infractions and related fines

Before a written test can be administered to evaluate the knowledge of those seeking to obtain a licence, the government must develop a standard handbook that lays out in plain language what operators need to know about a) to f) above. This OHV handbook, which would be comparable to the familiar driver's handbook, will be an indispensable tool to evaluate operator proficiency objectively and consistently.

This much-needed OHV operator handbook would also serve as an invaluable education tool for groups and individuals involved in promoting safe and responsible OHV use. Both expert stakeholders and others raised the issue that we need better education and better educational tools.

We recognize that testing of practical skills of OHV operation is not as straight forward as that of on-highway motor vehicles, and recommend that a testing infrastructure be coordinated with the accredited training programs.

In future, it will also be important for the Registry of Motor Vehicles to develop a way to acknowledge and accept operator credentials from other jurisdictions as proof of competence for OHV use in Nova Scotia.

Recommendations

The Task Force recommends the following:

7 Publish, by 2004, an Off-highway Vehicle Operator Handbook that covers the following: a) the safe and responsible operation of the OHV types; b) the general OHV regulations; c) the laws protecting private land owners and the rules for access to public lands; d) the code of conduct on trails; e) a list of environmental regulations; and f) the compendium of possible infractions and related fines.

8 Develop, by 2005, a written test based on the operator handbook and establish, in partnership with one or more accredited bodies, a practical skills testing program, with a view to introducing a mandatory OHV operator licensing program by the 2006 vehicle registration year.

9 Require, by 2006, that OHV operators must be persons 16 years of age or over with an automobile licence validated for OHV use. Make provision for an OHV licence for those wanting to operate an OHV but who don't have an automobile licence.

Should Children Operate OHVs?

The question of whether children below the age of 16 should continue to be allowed to operate OHVs is a central question when comparing this situation with the regime in place for automobiles.

Issues raised by Nova Scotians

Medical and safety groups presenting to the task force raised serious concerns over the increasing rates of fatal and non-fatal injuries due to OHVs operated by children, primarily ATVs. Evidence shows that children sustain a proportionally greater number of these injuries as compared to adults, and the numbers of these injuries is rising at an alarming rate.

The cognitive and physical capacities of children are simply not sufficiently developed for them to consistently use these machines safely, competently, and responsibly. In addition, many youths appear to be operating OHVs too large and powerful for their size.

The Nova Scotia Safety Council, Child Safety Link (the Maritime-wide child injury prevention program), and the Nova Scotia Trauma Program each stated that, without exception, children under the age of 16 years should not operate ATVs. And, while the Canadian Agriculture Safety Association recognizes the importance of ATVs for use in agriculture, they note that that ATVs represent a significant cause of injury to adults and especially to children on Canadian farms.

The enforcement community raised equally strong concerns on the subject of children operating OHVs. They are concerned that the vehicles have far too much power and that these machines are being used as "babysitting tools." We also heard about the practical problems of penalizing youth operators, such as defining supervision or simply processing a youth charge. So in addition to the safety concerns of youth operation, when it comes to enforceability the consensus among the enforcement community was that a strict age limit of 16 and over is most practical.

Input from those addressing the Task Force at community meetings or in writing ranged from strict age regulations, as used in the Motor Vehicle Act, to leaving the law in its current state.

Of the 714 written submissions we received, 70 per cent commented on the age question. Of these 501 respondents, 58 per cent insisted that under no circumstances should operators less than the age of 16 be allowed to operate an OHV of any kind. Many of these even suggested the age of 18, or in some cases 20.

The balance of those writing to us believed that operators below the age of 16 should be able to operate OHVs that are appropriately sized.

Task Force analysis and conclusions

Taking all of the input into account, we were impressed by the strong message of restricting OHV use to those 16 years of age and older, regardless of where they were being driven. However, we also recognize the importance of instituting a strong message and culture of safety training and "graduated operation," similar to the graduated licensing program for automobiles which has been proven to reduce injuries from motor vehicle crashes. We also recognize the input from many OHV users who wish to promote responsible youth driving so that the habit of responsible driving is carried forward as they mature. And, we recognize that very little input from youths themselves had been received for the purposes of these recommendations.

We, as Task Force members, were split on the issue of permitting youths aged 14 and 15 years to operate OHVs. However agreement was reached on the provision that all of the conditions outlined below, specific to the operation of OHVs by these youths, must be implemented.

The Youth Class Learner's Licence we recommend below is not applicable to off-highway use of vehicle classifications that can be registered for on-highway use. (for example, Jeeps).

And the importance of guidelines that advise on the appropriately sized vehicle for the physical size of youth operators should not be understated, and should be encouraged as a practice.

Recommendations

The Task Force recommends the following:

10. Prohibit children under the age of 14 from operating OHVs.

11. Allow youth 14 and 15 years of age to operate OHVs only if they acquire, and carry with them, a Youth Class Learner's Licence (to be created), and ONLY if ALL the following conditions are met:
    - An appropriate OHV safety course is taken and successfully completed by both the youth and his or her parent or guardian
    - Mandatory direct supervision by (in the company and within sight of) the parent or guardian at all times while operating the OHV.

12. Fine the registered owner of the OHV $500 and apply 6 demerit points against the registered owner's driver's licence when a person less than 14 years of age operates an off-highway vehicle. For second offences, seize the vehicle and sell it at public auction.

Safety and Training

Across Canada, injuries from OHVs are significant. In the 2001–02 fiscal year, there were 88 **major** injuries from snowmobiles and 232 from other OHVs recorded by the National Trauma Registry. These major traumas often involve serious head and spinal cord injuries as well as injuries to multiple parts of the body. They frequently involve hospitalization in intensive care units, create huge demands on the health care system, and can result in death or disability. Notably OHVs are the number one cause of recreational-related major injuries.

Injuries involving OHVs have been increasing dramatically, especially amongst ATV operators. From 1996 to 2000, the number of ATV-related injuries requiring hospitalization in Canada each year increased from 1693 to 2535. Most probably, much of this can be attributed to both an increase in numbers as well as a trend to larger-sized machines. However, this does not negate the significance of what is occurring.

In Nova Scotia, major ATV-related injuries amongst adults increased four- to fivefold over the past five years. The data indicates that 84 per cent of these riders were not wearing helmets at the time of their injury and that 60 per cent of cases involved the use of alcohol.

Issues raised by Nova Scotians

Most stakeholder groups raised serious concerns over the increasing rates of injuries due to OHVs and emphasized the need for proper operator training and education.

Of the 714 of those who wrote to the Task Force, 38 per cent suggested that training should be mandatory to operate an OHV. Of these 271 respondents, 73 per cent felt that this should apply for all operators, with the remainder believing that it should only apply to those under 16 or to new operators. Of the 327 community meeting speakers, 20 per cent also called for mandatory training.

Task Force analysis and conclusions

The data available and input from the stakeholders and citizens of Nova Scotia cannot be ignored. Safety is a paramount issue with regards to OHVs.

We feel a proactive approach needs to be taken to reduce the number of injuries related to the operation of these vehicles. The importance of proper training and use of appropriate safety gear should be emphasized. It is important that OHV owners maintain their vehicles in safe and good working order. In addition, we feel that knowledge around the many issues involved in operating OHVs should be mandatory for all OHV users and therefore should be an important component of training.

Ultimately, we feel that every operator of an OHV should receive proper training and education. Realizing that many current OHV users have significant experience in operating these vehicles, it may not be practical to require all of these individuals to complete an accredited training program; however, it should not be discouraged. Therefore, a phasing-in program of mandatory safety training and OHV education should be considered.

Recommendations

13. Starting in 2005, require OHV operators aged 14 and 15 years and all first-time operators to successfully complete the appropriate and accredited OHV training course.

14. Starting in 2007, exempt OHV operators from this mandatory accredited training course if they can demonstrate that they were the owner of a registered OHV in 2005 and 2006. This exemption does not apply to parents or guardians of a youth operator.

15. Starting in 2008, require all OHV operators applying for a first time Operator's Licence to successfully complete the appropriate and accredited OHV training course.

16. Include the following in the appropriate and accredited training course content: a) the safe and responsible operation of the OHV types b) the general OHV regulations c) the laws protecting private land owners and the rules for access to public lands d) the code of conduct on trails e) a list of environmental regulations f) the compendium of possible infractions and related fines.

Third Party Liability Insurance

An important issue reviewed in our discussions with citizens and stakeholders was the need for mandatory third party liability insurance.

Issues raised by Nova Scotians

We learned from the Insurance Bureau of Canada that the average cost of a standard policy in Nova Scotia is now $109 a year. We were also told that while the insurance industry is in the business of selling insurance and that the product is available, requiring insurance does not in and by itself solve specific problems or change behaviours within the community of OHV owners.

At the community meetings, some OHV users raised the issue of ability to pay. A number of these participants believed that the limited risk did not justify paying insurance companies over a hundred dollars a year. Many of the OHV owners now carry third party liability insurance.

Task Force analysis and conclusions

We believe that innocent third parties must be protected. Those who injure a person, or cause damage to the property of a person, must be responsible for their actions.

Despite the strong concern we have about overburdening off-highway vehicle owners with too many costs, we believe the rights of those whose health might be permanently affected by an off-highway vehicle operator must come first. Furthermore, we believe that it would be irresponsible for government to establish a designated trail system, encourage multi-use, and allow 14 year olds to ride on these trails without ensuring that others are protected.

Also, if OHV trail users individually carry third party liability insurance, then trail managers may see some reduction in the cost of trail insurance.

Recommendations

The Task Force recommends the following:

17. Introduce the requirement for mandatory third party liability insurance by 2007. In the interim period, conduct a thorough review of the various options and their costs.

Snowmobilers Association of Nova Scotia signage.

Creating an OHV Infrastructure Trust Fund

Issues raised by Nova Scotians

The notion of creating a trust fund to develop OHV infrastructure was not directly raised during the consultation process. Such a fund could

- finance the development of a managed trail network
- support training and education
- support enforcement
- support association building
- support environmental projects and awareness

However, many OHV users stated that if government wanted to raise the registration fee that this money must be used to support their organizations, build more trails, enhance education, and promote self-policing.

Task Force analysis and conclusions

In Nova Scotia, as is the case across North America, OHVs are used in increasing numbers for recreation. This has become a primary recreational pursuit for many, particularly in rural Nova Scotia. But there has been little public investment in developing an infrastructure of appropriate trails to support OHV traffic.

Some would argue – and manufacturers make this a central theme of advertising – that OHVs can go anywhere. This in fact is true. There are virtually no obstacles that can stop a determined operator. However, the reality is that it is absolutely not acceptable for OHVs to go wherever the operator chooses, particularly when it happens to be across a watercourse, a tree farm, a potato field, a private woodlot, a fragile beach dune, a public park, or the neighbour's back yard.

Over the years, snowmobile operators and their associations have developed a growing network of trails in partnership and with the agreement of landowners. These trails are maintained and groomed by a combination of user fees and volunteer work.

The All Terrain Vehicle Association of Nova Scotia (ATVANS) has spearheaded the process of managed trail development as well as other positive initiatives in the past several years while representing only a small number of operators (approximately 2500). Regardless of the small representation, ATVANS strongly encourages and promotes education to all riders about landowners' rights, works with landowners to prevent problems, and develops ways to work towards a common goal of helping both groups. Despite the organization's efforts, trail development has generally been allowed to occur without any form of planning, without written permission of landowners, and without regard to the sensitivity of habitats. Furthermore, when a "trail" becomes unusable, parallel tracks are made and the cycle repeats itself, leading to increased environmental and property damage.

We are already deeply concerned about the physical impact of the current numbers of machines. Over the previous four years, an average of 4600 new all terrain vehicles have been sold in Nova Scotia each year. Should this rate of increased OHV impact continue to occur, we are very much concerned about the level of social, economic, and environmental damage this will create. The addition of newer, faster, and bigger OHVs can only compound an already serious problem and create irreparable damage, unless a program to manage the situation is quickly put in place.

But infrastructure does not only refer to a managed trail network. There are serious gaps in the level of education of OHV operators in the following areas:

- the rules and regulations governing the use of OHVs and where they can be operated legally
- the safe operation of OHVs
- the environmental consequences of destructive use
- landowner rights
- respect of other users of the outdoors, known as trail etiquette

There is no way, under the current system, of determining objectively and convincingly if a given operator is knowledgeable about all or any of the above basic requirements.

We believe it is imperative to create a trust fund, paid for by OHV users, to begin the process of managing the OHV fleet by providing it with an acceptable provincial system of managed designated trails and with the other forms of required "infrastructure" mentioned above.

In addition to the $40 collected when an OHV is registered, the selling of seized machines at public auctions and the proceeds of fines for OHV offences should be held in the trust fund. Based on a conservative estimation of 50,000 OHVs, $2 million will flow into the fund each year from registrations alone.

We do recognize that governments resist any proposal where revenues are earmarked for specific purposes rather than being directed to the general revenue fund. But the OHV management challenges that have been allowed to grow uncontrollably over the past decades justify an exception to the general rule.

To ensure that the process of change begins immediately, we believe that the government of Nova Scotia should provide $500,000 in 2004 to make sure the trust fund executive can get up and running in advance of acquiring any dollars from the registration funds.

OHV users need to know that their financial contributions will finance much-needed infrastructure projects, be they trails, operating grants to provincial associations, environmental demonstration projects, safety training projects, or enforcement measures. This will not only facilitate acceptance of the measures recommended in this report, but will ensure immediate and tangible progress in providing real solutions to problems.

Recommendations

The Task Force recommends the following:

18. Establish an OHV Infrastructure Trust Fund mandated to finance projects related to OHV trail system development, core funding of OHV user associations, operator health and safety, operator training, enforcement (self-policing), and environmental education and demonstration projects.

19. Provide a one-time operating grant of $500,000 in 2004 to ensure the trust fund is established and becomes functional on the earliest possible time line.

20. Appoint an independent chairperson from the private sector to manage the trust fund and have decision-making power over the fund. Appoint an executive committee, of not more than 10 individuals, to support the chairperson. The committee should contain persons from stakeholder organizations and ex-officio (and non-voting) officials from the lead government departments. Stakeholder organizations will include umbrella associations representing OHV enthusiasts, the medical/safety profession, the environmental sector, landowners, and the enforcement community.

21. Direct the executive committee for the trust fund to work with the Nova Scotia Trails Federation to develop and publish the blueprint of a comprehensive trail network for Nova Scotia, after it has ensured that extensive and inclusive consultations and negotiations have been conducted in all regions of the province.

22. Mandate the OHV Infrastructure Trust Fund to issue an annual report.

Supplementary considerations

The present situation took many years to develop, and successive governments across North America have been slow to react. We are conscious of the fact that the approaches recommended throughout this report will not solve problems in a day. The work program stemming from implementation of the Task Force's recommendations will span several years. As well, solutions proposed today will certainly be modified and adjusted over time.

We believe it is important for the government to establish a special coordination mechanism to oversee implementation of the action plan stemming from this report. The need for such a mechanism is justified by the fact that solutions to OHV problems and issues always involve more than one department or agency.

The proposed mechanism should be designed to accelerate decision-making and to oversee implementation of the government's response to the Task Force report to ensure consistent progress from the outset.

In light of these considerations, the Task Force further recommends the following:

23. Further mandate the Trust Fund Executive Committee to oversee the implementation of the government's work program stemming from this report, to advise on policy as required based on experience, to facilitate conflict resolution, and to finalize the development of a comprehensive OHV strategy for the province that fully reflects developments in the field.

Land Use

Designated Trails and Park Areas

Issues raised by Nova Scotians

The need for legitimate places to take an OHV ranked as a priority for both the irate landowner and the responsible enthusiast.

Although many of those we heard from wanted more trails built, others said we only have to designate some of the trails that already exist and focus on making them durable, safe, and environmentally acceptable.

Many people we heard from lamented the "go anywhere" culture that has developed. In saying this, they criticize the inability, or lack of desire, on the part of the government to crack down at an earlier stage.

The Task Force listened to strong arguments in support of a fresh approach to dealing with OHVs and land use. These participants asked that Nova Scotia not accept the situation that exists today as the base from which to make change. Instead, they urged the Task Force to decide where OHVs should operate as if starting with a blank sheet.

Public or crown land was identified as a legitimate place for off-highway vehicles to go. Of 460 written responses on this subject, 57 per cent wanted public land generally closed with only specific areas open for off-highway vehicle use; 32 per cent preferred an open access policy with only problem areas closed; and 11 per cent wanted to see public land completely open to OHV use.

We heard that building scramble areas or parks for OHVs would solve many of the problems. These respondents believe parks with designed wet areas and challenging terrain would attract many enthusiasts, leaving the natural environment with less damage.

The use of abandoned railway corridors as part of a designated trail network has been a subject of intense debate. Adjacent landowners say that noisy, dusty conditions ruin the enjoyment of their property. One person wrote to tell us that several of his neighbours were so fed up that they sold their homes.

Users of the abandoned railway lines vary widely in their opinion of OHVs. Some respondents point to a dangerous and irresponsible situation that cannot be allowed to continue. Others say these trails are wide enough to accommodate all users as long as everybody demonstrates a little respect for each other. Still, others say it might be okay to accommodate off-highway vehicles in rural areas, but not in populated areas.

One organization pointed out that the key to safety and an enjoyable trip is a well-maintained trail system. They reported that the majority of snowmobile collisions occur off trail.

Task Force Analysis and Conclusions

OHVs are being used as an alternative form of transportation for many people who unilaterally decide where the next "road" will go. No consultation, no environmental review, and no consideration for the property owner.

The fact that uncontrolled OHV use has been allowed to occur for many years has made the process of change more difficult. But there is no reasonable option. We must begin to change the culture immediately.

We carried out two helicopter flights to see the state of things for ourselves. Both flights originated in Halifax with one exploring the Cape Breton Highlands and the other exploring from Halifax to Shelburne,

Argyle, and throughout the Tobeatic Wilderness Area. To say that we were appalled with the uncontrolled network of trails, the damage to ecologically sensitive areas, and the intrusion into our most protected spaces is a huge understatement.

We feel that OHVs must be limited to a designated network of trails and park areas. In saying this, it becomes imperative that such a vision becomes reality in a reasonable period of time. Random use of OHVs anywhere on public land must stop.

Park areas might include any acreage set aside for recreational use by OHV operators. Off-highway vehicle park areas could potentially include full-service camping facilities, a self-contained network of trails, and designed spaces where operators can experience a wide variety of terrains.

Most say, and the Task Force agrees, that public land should in large part be a host for Nova Scotia's designated trails and park areas for OHVs.

We concluded that in no situation should there be a "blanket" open access policy. The better approach is to identify what categories of public land should be available to the designers of the designated network of trails and park areas. The Task Force believes the following categories of public land, in conjunction with private land with permission, should be eligible under certain conditions:

- general Crown forestland
- culverted gravel woods roads and culverted gravel K-class roads
- abandoned railway lines
- highway right-of-way ditches
- public roads (to cross or travel on the shoulder for short distances to connect a designated trail)

The Task Force believes **culverted gravel wood roads and culverted gravel K-class roads** may form a component of any designated trail or park area system, providing that the commercial or automobile activity does not pose a significant hazard.

K-class roads are those listed abandoned. They remain as a public right of way under the administration and control of the Department of Transportation and Public Works, but are no longer maintained year round. They vary in condition from a gravel road to a right of way that has deteriorated to the point of being only a trail. Some K-class roads are completely covered by trees and no longer discernable as a public right of way.

We also believe that **abandoned railway lines** can and should be used by OHVs, again with conditions attached.

The Province of Nova Scotia, as the primary landowner of these corridors, has adopted a Rails to Trails policy. Since that time, the Department of Natural Resources has entered into agreements with local trail organizations to manage sections of the corridor. Trail organizations must demonstrate community consensus for the intended use. OHVs do not have to be accommodated but, in many cases, this does occur.

This policy, when drafted, likely didn't envision the degree to which OHVs would take advantage of this opportunity.

Despite the requirement for trail organizations to demonstrate community consensus on the intended use of these abandoned railway lines, the Task Force questions the diminished role of municipal governments in the decision-making process. For example, we understand that for a municipality to control the use of an abandoned railway line through its urban center, it must apply to the province to become the trail manager.

It's also one thing to assign management authority to a trail organization and quite another to ensure that this trail committee can put in place effective controls so all users of the trail are safe and that adjacent landowners are not unduly bothered.

The Task Force believes that where abandoned railway lines go through populated regions the municipality is obligated to establish the over-riding rules of use and to make sure such rules are enforced.

We agree with those who told us they were concerned about the random use of our **highway rights of way**. Existing legislation now gives OHVs conditional access to highway ditch areas. While this legislation "gave an inch," many have proceeded to "take a mile." Random use of the entire highway rights of way, including the median areas between twinned sections of highways, is commonplace.

We consider this uncontrolled use of the entire highway rights of way to be unsafe for both the traveling public and the OHV operators. Visually, this also conveys a number of unfortunate messages, not the least of which is that we can't enforce our laws.

Beyond the central issue of safety, this situation has created an unsightly mess. And mud paths generate a great deal of siltation during rainstorms in the brooks, rivers, and streams. Without access to a bridge system, off-highway vehicles cross through any watercourse in their way, further adding to the siltation problem.

We have heard the argument that if only OHVs were allowed access to **secondary road systems**, then the problem would be solved.

In July 2003, municipalities in Ontario were given authority to determine whether or not off-road vehicles should be allowed access to highways under their authority. We refer to a letter from the Canadian All-Terrain Vehicle Distributors Council to the Ontario Road Safety Program Office that says, "We have previously stated and must state again, that ATVs are not designed for use on roads. Allowing ATVs into the vehicular traffic mix is needlessly exposing ATV operators to danger." And, this Task Force would add, needlessly exposing the motoring public to danger.

The Nova Scotia Department of Transportation and Public Works provided our Task Force with data showing the number of motor vehicles involved in collisions with OHVs by severity and year. In the five-year period 1998–2002 collisions occurring on public highways and commercial property with public access involving OHVs (not including snowmobiles) resulted in 8 deaths and 156 injuries. For the same period, one death and 12 injuries were reported as a result of motor vehicle collisions with snowmobiles.

Recommendations

The Task Force recommends the following:

24. Develop a network of designated trails and park areas, on public and private lands with permission, for the recreational use of off-highway vehicles. Limit off-highway vehicle activity on public land to this network.

25. Officially designate the Nova Scotia Sport and Recreation Commission as lead agency charged with developing the designated network of trails and park areas.

26. Include, on public land, culverted gravel woods roads and culverted gravel K-Class roads as potential components of a designated network of trails and park areas with conditions (such as not used during spring thaw, not used during periods of forest fire hazard).

27. Include abandoned railway lines as a potential component of a designated network of trails and park areas for off-highway vehicles under the following conditions:

    a) In general, permit off-highway vehicle access in rural areas, but consider proximity to residences
    b) In residential areas defer the decision to allow off-highway vehicle access to the municipal government
    c) Charge municipal governments with the responsibility of establishing over-riding rules of order and enforcing these bylaws on all abandoned railway sections in residential areas.
    d) Require the appropriate municipal governments to immediately review the right of access for OHVs to sections of abandoned railway line exhibiting questionable ability to maintain order. Review particularly those sections of abandoned railway line West of Halifax through to Martins River, Lunenburg County.
    e) Where access for off-highway vehicles on existing abandoned railway lines cannot be accommodated, make every effort to develop an alternative trail around the prohibited area.

28. Include highway rights of way ditches as a potential component of a network of trails and park areas. In future all ditches incorporated in the designated network of trails will be brought up to appropriate safety and environmental standards.

29. Reinforce the prohibition on all public roads for off-highway vehicles except for the following when incorporated as part of a designated trail or park area on terms and conditions acceptable to the Department of Transportation and Public Works: a) to cross a public road at planned and well signed locations b) to travel on the shoulder for short distances with appropriate signage.

Trail Management

Issues raised by Nova Scotians

The Task Force listened to what respondents had to say about OHVs co-existing on trails with hikers, joggers, bird watchers, horseback riders, and other users. And while 65 per cent of the 714 people who wrote to us had an opinion, there emerged no clear consensus on this issue.

Some say that motorized and non-motorized users should be able to co-exist on trails, particularly on wide trails like the abandoned railway lines, if all would simply extend to each other some common courtesy. One organization promoted the concept of "wheels give way to heels" as an example of such a courtesy. And the Nova Scotia Equestrian Federation suggested they are not averse to sharing the trails with OHVs, if this is done in a safe and ethical manner on properly designed trails.

For others, no conditions, other than a complete ban of OHVs, would ensure their enjoyment of the outdoors.

Many respondents suggested that umbrella organizations like the Snowmobilers Association of Nova Scotia (SANS) or the All Terrain Vehicle Association of Nova Scotia (ATVANS) need to be supported – as they act as focal points for more responsible vehicle use.

Snowmobilers Association of Nova Scotia groomer at work.

SANS has taken many years to develop into the professional organization that exists today. And while much progress has been made, the Task Force heard that this organization can go even further to make Nova Scotia a destination for snowmobile enthusiasts if they are given the controls they need to better manage their trails.

Task Force Analysis and Conclusions

We believe that the provincial government should continue to make every effort to support the non-profit organizations, individual trail committees, and umbrella organizations who through their extraordinary efforts improve the OHV experience for responsible operators around the province.

ATVANS should be acknowledged for their efforts and growth over the past seven years. The sport of ATV recreational riding has grown faster than anticipated and has caused organizational and public concern. Promotion of organized club involvement, availability of ATV rider safety programs, development of signed trails with landowner permission and various educational tools are part of a framework that outlines the organization's involvement in a solutions orientated approach to addressing the concerns of Nova Scotians. Simply put, Nova Scotia needs a strong all terrain vehicle association if progress is to be made. This organization requires additional funding as soon as possible in order to move forward with their growth and development.

We believe that today is also a critical time in the continuing growth and development of the Snowmobilers Association of Nova Scotia. They manage an extensive trail network crossing both public and private land in a manner that respects the environment. SANS provides a successful working model from which to base the future development of an off-highway vehicle network of trails and park areas.

In developing their trails, SANS relies heavily on a principle of user pay. They seek permission from all landowners for the ability to have association members use the trail. They provide landowners with the security of a trail insurance policy. They groom, properly sign, and patrol their trails to ensure effective quality and control. And to the greatest extent possible they encourage walkers, hikers, and equestrian use of their trails. In some cases they have even been able to enter into off-season use agreements with ATVANS.

To take this model to an even higher, more professional level they need the ability to control what happens on their trails.

Recommendations

The Task Force recommends the following:

30. Support OHV umbrella organizations by taking the necessary legislative steps that empower them to a) implement a mandatory trail pass system b) prevent unauthorized off-highway vehicle access to their trail network c) make third party liability insurance mandatory for users of their trail network.

Landowner Protection

Issues raised by Nova Scotians

Many landowners say they can no longer enjoy their properties. They express an extreme level of frustration as they come to realize nothing can be done to stop the abuse of their land by trespassers. This feeling of helplessness is magnified when enforcement officials tell them little can be done.

A landowner wrote the following note to us:

> The four wheelers came in numbers invading my property, and made numerous roads through now treated stands, one productive cranberry bog; stole culverts, fence stakes and sand. Took away no trespassing signs, then smashed woodcarvings and seating. Put debris in the fire ponds, gun shot through and tampered with my private locks. Removed any and all obstructions to their passage. Ran through the streams and ditches causing soil erosion and blocked culverts. Cut up blown down trees across their trails in sizes not marketable and eroded the travel surface of my road systems by spinning away the gravel and creating ruts. This is just the readers' digest version of my situation and there are many other landowners with problems or are about to have similar unwelcome experiences.

Many of those who spoke and wrote to us noted a very serious lack of respect for the property rights of landowners.

Of the 714 written submissions we received, 40 per cent either described in detail or at least noted trespass as a problem requiring some attention. And 17 per cent of the 714 written submissions called for OHV operators to get written permission from landowners.

Landowners not only feel helpless, but also report being intimidated. The task force has heard many times about the fear of speaking up at community meetings or even to provide written comments. In addition to property destruction, littering, intimidation, and noise these same landowners worry about the potential liability should trespassers get injured on their property or in fact injure someone else. A few landowners worry that it's possible for trespassers to "earn" some permanent right to travel across their property if they do so over a period of twenty years. This is known as a prescriptive right and it means that it is possible to earn the legal right to pass over someone else's land if you have been doing so openly and peacefully over a number of years.

Utility corridors such as the natural gas pipeline may seem an attractive trail for some OHV enthusiasts, but individual property owners along the pipeline have not given authorization for that type of use of their property. And even if they did, environmental concerns and safety issues related to the pipeline itself would make this an inappropriate location for recreational vehicle use.

We heard about the grave danger of using an OHV on or around an active railway line. An OHV using the railway right of way is an unsafe practice, and extremely dangerous if operated on the tracks. An off-highway vehicle cannot easily be removed from between the rails on the track. Once between the rails most often the operator needs to get to a crossing to get the vehicle out. If a vehicle gets stuck on the tracks, the approaching train can rarely stop in time to avoid a collision.

Individual farms also suffer crop losses as trespassers and vandals operate in open spaces they either view as a playground or a short cut to where they want to go. Responsible operators of OHVs don't like what's happening any better than the landowners. One writer said, "Responsible owners of OHVs are as angry at the outlaws as everybody else."

We also heard from several landowners of large properties who said that if they felt they were properly protected from liability and if proper enforcement was in place, they would likely work towards opening up their lands to responsible OHV enthusiasts.

Task Force Analysis and Conclusions

We want legislation put in place to further protect private landowners – the truly innocent victims of trespass, intimidation, vandalism, noise, and theft perpetrated by the irresponsible and the criminal elements who operate OHVs.

We questioned legal council about what might be done to help landowners prevent trespass, limit their exposure to liability, reduce the incidence of disturbing events, and ensure that those who cross private land without permission can't profit by acquiring a prescriptive right to continue that activity. The frustration and anger felt by landowners may soon, if it hasn't already, reach a critical point where a few people take matters in to their own hands. The task force has heard reports of spiked boards to flatten tires. Some property owners have threatened to use shotguns. While regrettable, and most certainly ill advised, this demonstrates the gravity of the situation.

The Task Force agrees with those who feel any operator of an OHV interested in accessing private property must seek written permission from the landowner. We discussed clause 15 of the Protection of Property Act which states that no person can be prosecuted (under this Act) for trespassing if they are hunting as defined in the Wildlife Act, fishing, picnicking, camping, hiking, skiing, or engaged in the study of flora or fauna. The problem with clause 15 is that is provides a defense for certain activities on wild lands that may be private. It needs to be clear that the operation of OHVs is a separate activity, and that those provisions cannot be used as an excuse not to obtain written permission from the landowner when the operation of an OHV is involved in the activity.

We also see no rationale that should permit an OHV operator to sue a landowner for any incident, beyond that which is intentionally caused by a landowner.

And every occupier of a land has the right to enjoy his or her property free from unreasonable disturbance. The Task Force believes that rural residents deserve nothing less than the same level of protection afforded those in urban centers.

Individual public rights can be created in favour of a person who uses a road or path, that crosses another person's property, for twenty years – without seeking permission and without explicit action by the landowner to convey to the person they are not welcome. Landowners must have a way to prevent the accumulation of prescriptive rights against the title of their property by OHV enthusiasts.

Recommendations

The Task Force recommends the following:

31. Amend the Off-highway Vehicles Act to say that operators must acquire written permission from landowners.

32. Amend the Off-highway Vehicles Act to say that off-highway vehicle operators and

passengers (whether permission to access a property is granted or not) willingly assume all risks and liabilities, except those that arise through the deliberate intent of the occupier of a property.

33. Amend the Off-highway Vehicles Act to say that operators of off-highway vehicles do not acquire prescriptive rights of access against any landowner solely through the use of an OHV.

34. Amend the Off-highway Vehicles Act to say that anyone who disturbs an occupier of a premises by the unreasonable operation of an off-highway vehicle for recreational purposes on or in the vicinity of the premises is guilty of an offence.

35. Amend Clause 15 of the Protection of Property Act to make it clear that this provision does not affect the requirement that any person operating an OHV must obtain the written permission of the landowner under the OHV Act.

Wilderness Protected Areas

Issues raised by Nova Scotians

Of the 714 people who wrote to us, 76 per cent offered some comment on whether or not off-highway vehicles should be able to access Wilderness Protected Areas. Of these 542 respondents, 63 per cent made strong arguments in favour of a strict prohibition, while 37 per cent thought it okay to have some traffic on designated trails; just a handful of those commenting wanted unfettered access.

Some individuals told us that if there is an OHV in a wilderness area, it is not a wilderness area anymore. And if at first this statement may seem too simplistic, this was echoed by at least one expert who concluded that without the complete absence of motorized vehicles you can not call any area a wilderness.

Some enthusiasts felt that no harm would come to the Wilderness Protected Area as long as access was limited to designated trails for the purpose of crossing the area or to reach an existing leased campsite. However, others questioned the ability to police such trails.

Task Force Analysis and Conclusions

Nova Scotia has chosen to protect approximately 5 per cent of the province's land area in the form of 31 Wilderness Protected Areas.

In 1987 the United Nations Commission on Environment and Development called on all countries to contribute to worldwide tripling of the area of land managed exclusively for the protection of ecosystems and species. The federal government subsequently committed to protecting representative samples of each of the country's natural regions, amounting to 12 per cent of Canada by the year 2000. Nova Scotia is a signatory to this commitment and at present 8.3 per cent of our province, including our two National Parks, is under some form of protection.

The purpose of the Wilderness Areas Protection Act is to provide for the establishment, management, protection, and use of wilderness areas, in perpetuity, for present and future generations, and to achieve the following primary and secondary objectives while providing opportunities for public access for sport fishing and traditional patterns of hunting and trapping.

Primary objectives:

- maintain and restore the integrity of natural processes and biodiversity
- protect representative examples of natural landscapes and ecosystems
- protect outstanding, unique, rare and vulnerable natural features and phenomena

Secondary objectives:

- provide reference points for determining the effects of human activity on the natural environment
- protect and provide opportunities for scientific research, environmental education and wilderness recreation
- promote public consultation and community stewardship in the establishment and management of wilderness areas

We witnessed a great deal of shocking physical damage in Wilderness Protected Areas caused by wheeled vehicles. We believe that although snowmobiles pollute the air, they do not cause near the degree of on-the-ground damage as they operate on frozen terrain.

While the Wilderness Areas Protection Act generally prohibits the operation of any vehicle within the bounds of the protected area, ministerial discretion allows for some snowmobile and some all terrain vehicle use under rather strict provisions. Given the level of damage being inflicted on our Wilderness Protected Areas the Task Force has concluded that, despite the best intentions of government, this is another example of a situation that cannot be enforced. The Department of Natural Resources said that their 30 full-time enforcement officers can spend only about one and a half days per year in each of the Wilderness Protected Areas. The Task Force believes that these areas are currently protected in name only.

We believe that more than sufficient opportunities can be established on public and private land outside of the Wilderness Protected Area network to accommodate the recreational needs of OHV enthusiasts. We are also of the opinion that designers of any network of designated trails and park areas should take every precaution so as not to infringe upon areas identified as potential Wilderness Protected Areas.

The purpose and the integrity of the entire network of Wilderness Protected Areas has, and continues to be, compromised through a combination of ministerial discretion and an inability to enforce laws in these areas.

We have heard all the arguments for limited, continued, or expanded access to these areas. Arguments include the need to connect to an established trail, to carry on hunting or trapping, to get to a camp lease, or to enjoy nature as a handicapped or senior person. We conclude that the government owes it to the citizens of Nova Scotia, and the international community, to truly protect a small portion of its land base in the manner envisioned by the spirit of the Wilderness Protection Act.

Recommendations

The Task Force recommends the following:

36. Establish a policy that completely prohibits recreational off-highway vehicle use in our Wilderness Protected Areas.

37. Phase out, within 3 years, OHV trails now crossing Wilderness Protected Areas and all other OHV access granted under Ministerial Discretion by establishing alternate trails.

Other Ecologically Sensitive Areas

Issues raised by Nova Scotians

Many participants painted a bleak picture of the damage occurring in Wilderness Protected Areas and more generally in sensitive ecosystems throughout the province. Of the 714 who wrote to us, 40 per cent made specific mention of environmental damage, while 30 per cent wanted off-highway vehicles confined to designated trails.

Parks Canada officials described a situation where on Cape Breton Island the loss of wilderness in the past 20 years has been greater than that of the previous 200 years. They and many others urged the Task Force to employ all means possible to further protect our natural environment.

Task Force Analysis and Conclusions

OHVs have caused significant ecological damage to all manner of sensitive habitats.

The Piping Plover, the Blanding's Turtle, the Mainland Moose, and several plant species share the endangered list that now includes 20 species. In the years ahead, continued indiscriminate and expanding use of OHVs will only further endanger threatened species.

Millions of dollars are spent each year in efforts by conservation organizations, governments, landowners, and dedicated volunteers to protect Nova Scotia's natural environment and to save endangered species from being lost. This collective investment must be protected.

It is the opinion of the Task Force that we need more environmental education, better defined legislation, tougher penalties, and more enforcement for ecologically sensitive areas.

Recommendations

The Task Force recommends the following:

38. Amend the Off-highway Vehicles Act to say that all off-highway vehicles are prohibited from the following sensitive ecosystems, unless otherwise specifically provided for within the designated trail network:

    a. barrens – coastal and plateau
    b. beaches (marine and fresh water) and dunes
    c. bogs and marshes
    d. brooks, streams, and rivers

39. Amend the Off-highway Vehicles Act to make it clear that in marine environments the prohibition is extended to include below and above the ordinary mean high water mark.

Rallies

Issues raised by Nova Scotians

We heard from people directly affected by organized rallies involving dozens, if not hundreds of vehicles that converge on a given location. Some talked about abuse of alcohol at these events. Others described the damage that can occur in a very short time if the rally takes place on soft ground.

We also heard just how often these events raise much-needed dollars for trail and club development not to mention the many important community causes that benefit from the generosity of the participants.

Task Force Analysis and Conclusions

In some situations rally participants abuse alcohol, knowingly or not cross private land without permission, disturb homeowners, ride on public roads, and cause environmental damage.

Rallies also accomplish excellent community objectives, raise much-needed funds for club objectives, and generally result in great day of fun for all.

However, given the legitimate concerns raised during our consultations the Task Force believes that some formal controls would help mitigate the real negative effects.

Recommendations

The Task Force recommends the following:

40. Establish a mandatory permit requirement for rallies involving more than 50 off-highway vehicles. The permit system should be managed by umbrella organizations such as SANS or ATVANS. The approval process will ensure that all necessary permissions have been received from affected landowners, that the event organizers have taken all necessary precautions to protect the environment, and that local enforcement authorities have been notified.

Snowmobilers Association of Nova Scotia trail wardens checking for trail permits.

Off-highway Vehicle Standards

Noise

Issues raised by Nova Scotians

Of the people we consulted, many said that OHVs can be excessively noisy. We heard from these people that some operators either fail to maintain their mufflers or modify them in an attempt to achieve more power.

Task Force Analysis and Conclusionss

We considered the issues related to machine design and concluded the one thing that could make an immediate difference had to do with how mufflers are maintained or modified.

We have no statistics on the number of poorly maintained or modified mufflers out there. However, we believe that one such muffler can disturb dozens of people in a short period of time.

Recommendations

The Task Force recommends the following:

Noise

41. Make it an offence under an amended Off-highway Vehicles Act to operate an off-highway vehicle with a defective or modified muffler.

Tires

Issues raised by Nova Scotians

Some respondents said that excessive tread depth creates an unnecessary hazard to the environment.

Task Force Analysis and Conclusionss

Members of the Task Force feel that excessive tread depth in combination with heavy, powerful vehicles can do damage wherever they go. This not only applies to soft terrain but also to properly graveled hard surfaces prepared at great expense by the trail manager or landowner.

Other than park or scramble areas designed for aggressive tire treads, the Task Force believes that there can be no good argument made to employ deep tread after-market tires for recreational use.

Recommendations

The Task Force recommends the following:

Tires

42. Amend the Off-highway Vehicles Act to prohibit aggressive-tread tires on Nova Scotia's designated network of trails and park areas unless the trail or park area is intended (and designed) to accommodate this use.

National Standards

Issues raised by Nova Scotians

Some 50 people who wrote us suggested that the machines themselves are becoming too powerful, too fast, too heavy, and too big. They wonder where it will all end. They say that manufacturers in the absence of any government standards will simply build whatever the market demands.

Some respondents were particularly sensitive to what they believed were highly aggressive and irresponsible advertising campaigns aimed at describing OHVs as a way to create mud or waves while going where no one else has gone before.

Task Force Analysis and Conclusions

We discussed the lack of a national response to the off-highway vehicle situation. We concluded that as a progressive measure, a federal-provincial forum could be used as a way to develop national standards.

Recommendations

The Task Force recommends the following:

National Standards

43. Engage other provinces and the federal government to establish a federal provincial process to develop national off-highway vehicle standards on the following:

    a. mufflers and noise
    b. advertising and the manufacturers' responsibilities
    c. engine design for fuel efficiency and pollution
    d. power, speed, weight and size
    e. tire tread depth
    f. positioning of licence plates and accommodation for larger plates
    g. electronic tracking
    h. common locations for vehicle identification numbers

The Enforcement Challenge

Issues raised by Nova Scotians

The lack of an effective enforcement presence is clearly the most significant problem identified by all. Landowners feel helpless in protecting their property from OHV trespassers. Farmers and foresters decry the seemingly unstoppable destruction of crops and productive environments by irresponsible OHV operators.

Environmentalists, conservationists, bird watchers, and other nature lovers deplore the level of damage that happens – despite legal protection – as a result of deficient enforcement.

Of the 714 respondents to our questionnaire, 74 per cent highlight the lack of enforcement resources and effort. A lesser proportion – 30 per cent – of the 327 speakers at the community meetings spoke to the issue, but the gravity of the situation was, and is, recognized.

Of the 714 writing to us, 41 per cent called for tougher penalties. OHV associations, either in stakeholder submissions or at community meetings, stressed the need for increased levels of self-policing on the trails.

Without question, the lack of effective enforcement is the number one issue in the mind of Nova Scotians when it comes to OHVs.

Task Force analysis and conclusions

We discovered a web of interrelated problems when it comes to policing OHVs:

Lack of resources

- There are insufficient resources within the enforcement community (RCMP, Natural Resources, and local police forces) that can be dedicated to OHV law enforcement.

Lack of relative priority

- Given the resource constraints faced by enforcement agencies OHV enforcement rates a very low priority among the management hierarchy of these organizations.

Few violators in huge and desolate areas

- The territory to cover is extremely vast and relatively few OHV operators are to be found on literally thousands of kilometers of trails. Sections of highway, on the other hand, have predictable high-traffic periods that can be monitored for infractions to the law in a cost-effective way for automobiles. This practical consideration may also help explain the lower relative priority of OHV enforcement.

Reckless OHV violators can easily evade police action

- Evading the law for an automobile is next to impossible on roads as soon as a violator is in sight of the police. Evasion on an OHV is much easier no matter what the terrain. And the fact that enforcement officers cannot engage in hot pursuit, for fear of being instrumental in the injury or death of a violator, also factors in favour of the evader. Finally, the absence of a permanent and visible licence plate on many OHVs helps to ensure that reckless violators cannot be positively identified in a court of law. Particularly if they wear an integral helmet with a reflective visor, which conceals their identity.

Sanctions and penalties do not deter lawlessness

- Even when enforcement personnel are successful in charging or ticketing an individual, the low fines do little to deter the activity. The normal fine is only $128.

Partnerships between police and OHV Associations are a prerequisite to success

- Enforcement agencies, even with more resources and better tools, cannot by themselves bring about peace, order and responsible behavior fast enough within the OHV community.

The practitioners of the sport and their associations, although currently participating in voluntary trail patrol and trail warden programs, must become more actively involved in the overall enforcement efforts for visible improvements to be achieved. Promising initiatives, such as Citizens On Patrol Off-Road involve volunteer operators and trail user participation in surveillance.

In our view, the lawless minority operate under the principle of "anything goes" because they have found that they can get away with it. This situation simply cannot continue.

We believe that the issue of enforcement priority must be factored into the work plans of enforcement agencies across the province.

In closing, our observation is that the challenging situation we are facing in Nova Scotia is by no means an isolated case. Many jurisdictions in North America are facing similar problems and this is why more and more governments are involved in reviews and consultation processes like ours.

Recommendations

The Task Force recommends the following:

44. Establish a permanent Integrated Enforcement Task Force of at least 12 people (recruited from within the Nova Scotia RCMP detachments, the Department of Natural Resources, and local police forces) exclusively dedicated to the enforcement of OHV laws and regulations and provide the unit with appropriate funding.

45. Mandate the Integrated Enforcement Task Force to a) conduct enforcement blitzes at problem spots across the province, engaging regional and local enforcement personnel (as well as the self-policing community); b) systematically broadcast in print and electronic media the results of enforcement operations (arrests, fines, seizures, etc.); and c) conduct educational outreach and community relations programs within the OHV community in all parts of the province, to promote safe and responsible recreational use of OHVs.

46. Amend legislation to a) extend to the court appearance date the time during which an OHV can be impounded; b) increase the range of offences where sanctions can include seizure and public auction sale of an OHV, to include particularly: failure to stop for enforcement officials, operating an unregistered vehicle, operating under the influence of alcohol/drugs, using an OHV to assist in committing a criminal offence, damaging or removing signage, operating in a park or other protected area; c) allow the application of driver's licence demerit points for serious OHV offences; and d) allow the application of demerit points on a registered owner's driver's licence in situations involving a child/youth in violation of OHV laws and regulations.

47. Amend legislation to significantly increase the amount of fines currently in place and to provide for a further increase for a second offence, with automatic vehicle seizure and public auction disposal for third offences.

48. Institute a special program to support self-policing in all regions of the province under the leadership of the Integrated Enforcement Task Force and the Nova Scotia Trails Federation, with project funding being provided by the OHV Infrastructure Trust Fund; special projects to include and not be limited to expanding Trail Warden Programs, the Citizens On Patrol Off Road Program, and to the training of a cadre of trail wardens from within the OHV community to special constable status.

Conclusion

This is an interim report. We intend to listen to what you have to say and, if necessary, change our recommendations.

In taking on this project we did not anticipate the number of areas in which we would feel obligated to make recommendations. This extended our deadline and created the need to dedicate many more days for research and discussion.

We commit to listening very carefully to the response this report generates.

We ask that all those interested in helping to make these recommendations better, do so by responding to the following questions on or before March 15, 2004.

1. What is your overall opinion of this report?
2. What do you strongly agree with?
3. What do you strongly disagree with?
4. Did we miss something that we should have considered?

How to Submit Your Comments

You may submit your comments using the questionnaire on our website. Go to <www.gov.ns.ca/vp> and follow the link to the Off-highway Vehicle Task Force website.

You may also submit your comments by mail, phone, fax, or e-mail. Write to the Task Force in care of Voluntary Planning at the following address:

Voluntary Planning
Joseph Howe Building
6th Floor, Suite 600
1690 Hollis Street
Halifax, NS
B3J 3J9

Contact us by phone, fax, or e-mail:
Telephone: (902) 424-5682
1-866-858-5850 (toll free)
Fax: (902) 424-0580
E-mail: volplan@gov.ns.ca

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Appendices

Terms of Reference

Off Highway Vehicle Use in Nova Scotia
Voluntary Planning Initiative

Mandate

Through public consultation and research, Voluntary Planning will discuss and make recommendations to government on broad provincial issues of concern relating to off-highway vehicle use.

Objectives

1. Review and consider the information outlined in the paper, Strategies to Promote the Responsible Use of Off-highway Vehicles in Nova Scotia (by the Off-highway Vehicle Working Group), as a starting point for initiating broad public consultation.

2. Develop and implement a provincial consultation strategy to solicit public input on off-highway vehicle use as it relates to key issues of public and government concern, including:
   - public health & safety
   - liability
   - environmental impacts
   - property rights
   - public& private land use
   - user conflict, and
   - opportunities for responsible OHV use

3. Examine and consider "best practice" approaches to OHV management in Nova Scotia and other jurisdictions.

4. Make recommendations to government reflecting the mandate and key issues of concern, considering:
   - legislative amendments, especially considering the Off-highway Vehicles Act
   - changes to provincial policy and procedures
   - the role of public stewardship & local community participation
   - trail development & management
   - liability, insurance, & licensing
   - innovative approaches supporting education and compliance

5. Provide advice on implementation, considering:
   - opportunities for program integration and partnership
   - funding & proposed assignment of responsibility relating to implementing any specific recommendations

Deliverables & Timing

The following documents are expected for submission to Treasury & Policy Board.

- Draft Public Consultation Strategy (for government comment) - June 20, 2003
- Draft Recommendations Report (for government comment) - December 15, 2003
- Final Recommendations Report - January 31, 2004

Support

In support of the work of Voluntary Planning, an Interdepartmental Resource Team, will be convened, with representatives from:

- Nova Scotia Department of Agriculture and Fisheries
- Nova Scotia Department of Justice
- Nova Scotia Department of Environment and Labour
- Nova Scotia Department of Natural Resources
- Nova Scotia Department of Tourism and Culture
- Nova Scotia Department of Transportation and Public Works
- Service Nova Scotia and Municipal Relations
- Nova Scotia Sport and Recreation Commission, and
- Nova Scotia Treasury & Policy Board

The Interdepartmental Resource Team will:

- identify and provide a summary of existing provincial government legislation and programs relating to OHV use
- conduct research, and review & report on best practice approaches
- provide background information and advice as requested by Voluntary Planning

Further, the Team will work to support a consistent provincial approach to management of OHV issues, during the Voluntary Planning initiative.

Community Meetings

Place	Attendance	Speakers
Annapolis Royal	75	20
Antigonish	27	12
Baddeck	23	10
Bridgewater	80	13
Cheticamp	23	9
Chezzetcook	160	24
Eskasoni	6	3
Guysborough	52	8
Halifax	75	20
Inverness	19	7
Kentville	110	16
Liverpool	40	6
Louisdale	48	10
New Glasgow	120	19
Oxford	80	13
Saulnierville	30	9
Sheet Harbour	50	17
Shelburne	18	9
Sydney	42	14
Tantallon	160	28
Tatamagouche	55	11
Truro	85	21
Windsor	38	14
Yarmouth	40	14
Total	**1456**	**327**

Stakeholder Presentations

Oct. 15-16, Nov. 20, and Dec. 4, 2003

All Terrain Vehicle Association of Nova Scotia (ATVANS)

Bowater Mersey

Canadian All-Terrain Vehicle Distributors Council (CATV)

Canadian Parks and Wilderness Society (CPAWS) – Nova Scotia Chapter

Cape Breton Highland National Park

Child Safety Link

Citizens on Patrol Off Road

Dr. Judith Guernsey

Ecology Action Centre

Emergency Health Services (EHS) – Nova Scotia Trauma Program

Federation of Nova Scotia Naturalists

Insurance Bureau of Canada

Maritime Northeast Pipeline

Martin Willison

Nova Scotia Bird Society

Nova Scotia Coastal Guardian Program

Nova Scotia Department of Environment Labour

Nova Scotia Department of Natural Resources – Land Services

Nova Scotia Department of Natural Resources – Parks and Recreation Division

Nova Scotia Department of Natural Resources – Wildlife Division

Nova Scotia Equestrian Federation

Nova Scotia Federation of Agriculture

Nova Scotia Federation of Hunters & Anglers

Nova Scotia Nature Trust

Nova Scotia Safety Council

Nova Scotia Sport and Recreation Commission

Nova Scotia Trails Federation

Nova Scotia Youth Advisory Council

Snowmobilers Association of Nova Scotia (SANS)

Tourism Industry Association of Nova Scotia (TIANS)

Windsor & Hantsport Railway

Wordsworth Advertising

Enforcement Focus Session – December 4, 2003

Nova Scotia Department of Natural Resources – Regional Services Enforcement
Derrick Stoddard, Conservation Officer

Nova Scotia Department of Natural Resources – Regional Services Enforcement
John Mombourquette, Director – Enforcement Division

Nova Scotia Department of Environment & Labour – Environmental & Natural Areas
Peter Labor, Protected Areas Planner

Nova Scotia Department of Environment & Labour – Environmental Monitoring and Compliance
Glen Warner, Acting Compliance and Inspection Coordinator

Truro Police Service
Glenn Rodgers, Deputy Chief

Department of Justice - Policing & Victims Services
Robert Eyre, Policing Consultant

Department of Justice – Legal Services
Jonathan Davies, Director of Solicitor Services

RCMP – Lower Sackville Detachment
Staff Sgt. Keith MacGuire
Traffic Commander – Halifax Metro Traffic Services

RCMP – Lunenburg County Detachment
Cst. Greg Smith

RCMP – Cole Harbour Detachment
Cst. Brian Veniot

Nova Scotia Trails Federation
Jim Vance, Executive Director

Service Nova Scotia & Municipal Relations – Program Management & Corporate Affairs
Paul Arsenault, Director of Driver & Vehicle Safety

OHV Interdepartmental Resource Team

Representing provincial departments and agencies with OHVs as an area of responsibility.

George C. Smith
Director, Quality Evaluation Services
Agriculture and Fisheries

Roy Kennedy
Policing & Public Safety Consultant
Justice

Peter Labor
Protected Areas Planner
Environment and Labour

John Mombourquette
Director of Enforcement
Natural Resources

Randy Milton
Manager, Wildlife Resources
Natural Resources

Lang Jongmans
Senior Policy Advisor
Tourism, Culture and Heritage

Bernie Clancey
Engineer
Transportation and Public Works

Paul Arsenault
Director of Driver and Vehicle Safety
Service Nova Scotia and Municipal Relations

Ted Scrutton
Coordinator of Outdoor Recreation
Office of Health Promotion – Sport and Recreation

Patricia MacNeil
Senior Policy Advisor
Treasury and Policy Board

Wyatt White
Policy Analyst
Aboriginal Affairs

Member Biographies

Robert Bailey

Mr. Bailey's professional career was dedicated to policy development by the governments of Canada and Nova Scotia concerning the public administration of Natural Resources. He has particular expertise in forestry, water resources planning and environmental management. He holds a PhD in Natural Resources Management from Cornell University, a master's degree in Regional and Resources Planning from the University of Waterloo, and a BSc in Forestry from the University of New Brunswick. Mr. Bailey resides in Black River, Pictou County.

David Barrett

Mr. Barrett is Secretary and Woodlands Manager of Barrett Lumber Company Limited, a family owned lumber operation in Lower Sackville. His experience includes more than 30 years on the Board of Directors of the Forest Products Association of Nova Scotia and service as a member of Voluntary Planning's Forestry Sector. Mr. Barrett is Past President of the Wood Product Manufacturing Association. His company created the Family Forestry Stewardship agreement.

David F. Bellefontaine (Chair)

Born and educated in Halifax, Mr. Bellefontaine graduated from the Society of Management Accountants and the Canadian Institute of Management and holds a professional port manager designation from the American Association of Port Authorities. He recently retired as president and chief executive officer with the Halifax Port Authority and currently operates a private consulting business. Mr. Bellefontaine is Chair of the Voluntary Planning Board.

Sheila Campbell

Ms. Campbell is a Registered Medical Laboratory Technologist with the Colchester Regional Hospital in Truro. She is also the owner of a small business, "Mrs. C's ATV Rider Safety Training" in Noel, Hants County. She is a frequent speaker and presenter on ATV safety and etiquette. She holds the title of being the first female in Canada and in the history of the Canada Safety Council to be certified as an ATV Chief Safety Instructor.

Dan Christmas

Mr. Christmas participated in the initial Task Force and community meetings, but has since stepped down as a Task Force member due to business and personal commitments.

Laurie Cranton

Mr. Cranton attended Maritime Forest Ranger School in New Brunswick in 1980 and suffered a spinal cord injury a year later in a forestry accident. Since his accident, Mr. Cranton has counseled others with disabilities, served on various volunteer boards. He is an active snowmobiler and is involved in organizations related to tourism, snowmobiling and trail development. He is past president of the Snow Mobile Association of Nova Scotia. Mr. Cranton manages a family farm and wood lot, is president of a company offering wilderness horseback riding, and is involved in a family business in the Margaree Centre area.

Devin W. Maxwell

Mr. Maxwell graduated from Dalhousie Law School in 2001 after receiving a BA in Political Science and History in 1998. He is a member of the Nova Scotia Barristers' Society and the Canadian Bar Association and is an associate with Burchell Hayman Parish in Halifax. He is a member and former Chair of the Race Relations Committee for the Nova Scotia Barristers' Society and resides in the City of Halifax.

James W. Moir, Jr.

Mr. Moir is a retired business executive who has extensive experience in corporate, volunteer and community leadership. Having held a variety of senior positions in the financial services industry, he retired in 1998 as President and Chief Executive Officer of Maritime Medical Care, Inc. Mr. Moir has served as a director or officer of many academic, business and community organizations. He is past-Chair of Voluntary Planning's Task Force on Non-Resident Land Ownership. Mr. Moir lives in Lunenburg County.

Jim Todd

Mr. Todd is a resident of Perotte, Annapolis County where he is self-employed as a graphic designer, illustrator and cartoonist. He is an avid hunter, fisherman and canoeist. He is a licensed Nova Scotia guide and all-terrain vehicle owner. Mr. Todd is Vice-President of the Tobeatic Wilderness Committee and represents that committee on the Tobeatic Advisory Group, which provides advice to the Nova Scotia Department of Environment and Labour. Jim has a background in cartography, survey principles and property law.

Louis Tousignant

Mr. Tousignant is retired from a career in the federal civil service where he held a variety of senior management positions, finishing his career as Senior Assistant Deputy Minister in the Department of Fisheries and Oceans. He has a proven track record in the management of complex public policy issues at all levels of government. He continues to contribute to policy development through his participation on Voluntary Planning's Natural Resources Sector. Mr. Tousignant currently resides in East Berlin, Queens County.

Jim Wolford

A resident of Wolfville, Mr. Wolford has retired from a career as a biology instructor with Acadia University but remains active with the university as a volunteer. A well-known naturalist, educator, and conservationist with very broad interests, he has experience with Voluntary Planning's Land Resources Coordinating Council. He served on the Board of Directors of the Canadian Nature Federation for six years and maintains many other affiliations with environmental organizations.

Natalie Yanchar

Dr. Yanchar is Medical Director, Trauma Care at the IWK Health Centre in Halifax. She is a Pediatric General Surgeon and an Assistant Professor in Surgery with Dalhousie University. Dr. Yanchar maintains memberships in several medical societies and is a Fellow of The Royal College of Physicians and Surgeons of Canada. She sits on the Nova Scotia Trauma Advisory Council and is Chair of the Pediatric Trauma Committee within the Trauma Association of Canada. Her research specialty is prevention of injury to children. Dr. Yanchar is a frequent guest speaker on the subject of trauma in children and some of her work has focussed on All Terrain Vehicle-related injuries in children and youth.

About Voluntary Planning

How do busy citizens make informed opinions about current issues? And how do they make their voices heard?

When all around there is evidence that Western democracies are becoming less effective at reaching their citizens, we have an excellent example, here in Nova Scotia, of how citizens can be heard – Voluntary Planning.

Voluntary Planning has been around for 40 years. It started as solely an economic planning agency, but has evolved as a forum to give citizens a say in policy making on important societal issues. We are volunteers (supported by four permanent staff) who share our time and expertise to help government explore the complexity of public reaction to current issues. We recently organized into six broadly defined societal sectors: economic growth and competitiveness, education and lifelong learning, environmental quality and stewardship, fiscal management policy, health and social well-being, and natural resources. We work at arm's length from government, but with primary contact to Cabinet through the Minister responsible for Treasury and Policy Board. This relationship recognizes both the quality of our work and the value placed on the citizen's perspective.

When Voluntary Planning communicates with government, government knows that it will hear a moderate, well-researched, well-considered position. Voluntary Planning is objective and non-partisan. We consult with experts, with special interest groups, and with ordinary citizens from all around our province so that we have a comprehensive understanding of the issues. We make our recommendations based on what is best for Nova Scotia in the long run. We have no agenda beyond that.

When we study a major policy issue we start by recruiting a group of knowledgeable volunteers who are representative of our province. We employ worldwide research and the testimony of experts in our deliberations, so that our members understand the complexity of the topic and the host of possible solutions. We hold public meetings around the province to canvass the opinions of citizens and invite comment from everyone interested in the subject. We consider our findings as a group and release an interim report. Then – and this has been a very effective next step – we listen to people again. We invite public comment on our interim report and consider all submissions before completing and releasing our final report. We have found that this process produces excellent results, including raising the awareness of our fellow citizens. We collect and share information, consult with Nova Scotians, and listen – a recipe for a true learning society and an enhanced democracy.

For more information, visit our website at <www.gov.ns.ca/vp> or contact us at
Voluntary Planning
1690 Hollis Street, Suite 600
Halifax, Nova Scotia
B3J 3J9

phone 424-5682
toll free 1-866-858-5850
or fax 424-0580